

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEBASTIAN LUBERS,

Plaintiff(s),

v.

BARRY COWGER, et al.,

Defendant(s).

CASE NO. C24-1988-KKE

ORDER DECLINING TO SERVE AND
PROVIDING LEAVE TO AMEND THE
COMPLAINT

Plaintiff Sebastian Lubers, proceeding *pro se*, filed this action on December 3, 2024. *See* Dkt. Nos. 1, 5. In granting Plaintiff's application to proceed *in forma pauperis*, U.S. Magistrate Judge S. Kate Vaughan recommended that the Court screen Plaintiff's complaint under 28 U.S.C. § 1915(e)(2)(B). Dkt. No. 4. Based on its review, the Court declines to serve the complaint at this time and provides Plaintiff leave to file an amended pleading by January 10, 2025, to cure the deficiencies identified herein.

The Court will dismiss a complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). In his complaint, Plaintiff indicates that the basis for federal court jurisdiction is federal question, but does not support this assertion with reference to a federal question. *See* Dkt. No. 5 at 3. Plaintiff also completed the section of the form complaint pertaining to diversity jurisdiction, but it appears that all parties are citizens of Washington state. *Id.* at 1–3.

1 Plaintiff's complaint references a claim for breach of contract, and also indicates that he seeks
2 relief in the form of ownership of property. *Id.* at 5–6, 8.

3 Thus, the basis for the Court's exercise of jurisdiction is unclear because Plaintiff has not
4 identified a federal question at issue, nor has he shown that the parties to this suit have diversity
5 of citizenship. No later than January 10, 2025, Plaintiff shall file an amended complaint to clarify
6 the basis for federal jurisdiction. The amended complaint will act as a complete substitute for the
7 original complaint and shall be presented on the form provided by the Court. If Plaintiff fails to
8 file an amended complaint and/or fails to adequately address the issues identified in this order, the
9 Court may dismiss this action.

10 The clerk is directed to mail Plaintiff (1) the appropriate forms for filing a complaint, (2) a
11 copy of this order, and (3) the Pro Se Guide to Filing Your Lawsuit in Federal Court.

12 Dated this 12th day of December, 2024.

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15 Kimberly K. Evanson
16 United States District Judge
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